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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/813,744

04/01/2004

Hector Coronado

PA5346

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27574 7590 10/01/2009
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EXAMINER

WENDELL, MARK R

ART UNIT

PAPER NUMBER

3635

NOTIFICATION DATE

DELIVERY MODE

10/01/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/813,744 | Applicant(s) CORONADO, HECTOR | |
| | Examiner MARK R. WENDELL | Art Unit 3635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-41 is/are pending in the application.
- 4a) Of the above claim(s) 64-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 64-72 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claims 64-72 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The examiner has examiner claims directed to a construction module with a predetermined curvature of 0 (or planar). The applicant has also elected Species I directed to the invention of Figure 1 which also has a predetermined curvature of 0 (see applicant's response from 7/2/2007).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 64-72 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klasell (US 5439749). Regarding claim 32, Klasell illustrates in Figures 1 and 3 a construction module comprising:

- A top and bottom panel (25 and 27) having an outer and inner surface and having a first plurality of thin sheet laminate layers bonded together. The examiner notes that in claim 2 of the prior art, it is stated that the layers are a composite board. It also states in column 5, lines 26-29 the composite board can be a high-density particle board, medium-density fiberboard, hardboard or other suitable wood composite material. This description generally includes composite wood structures as plywood and OSB which inherently have a layered composition, therefore the top layer has a laminate layered structure; and
- An intermediate panel (29) having an upper and lower surface and defining a cavity (see Figure 1 where the intermediate panel defines a cavity in which the center window of the door is placed), the intermediate panel having a plurality of laminate layers bonded together.

The examiner also notes that the newly added limitation "having a predetermined curvature" is met by the prior art since it is stated throughout the specification that the structure is made from planar components. Since the structure is made from planar components, the predetermined curvature of the module is 0. The claim does not distinctly state that the predetermined curvature is non-zero. As

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indicated above; if the claim language of claims 32-41 is altered to disclose a non-zero curvature, the claims would be withdrawn under election by original presentation and under the election of species 1 (Figure 1) set forth in the response by applicant on 7/2/2007 and subsequently withdrawing all claims of the application.

Regarding claims 33-35, Klasell discloses layers being made from laminated veneer lumber (LVL) for decorative and waterproofing means (Column 1, lines 30-35, and Column 3, lines 34).

Regarding claims 36-38, Klasell discloses throughout the specification the top, bottom and intermediate layers being bonded to one another in such a manner:

- The inner surface of the top panel being bonded to the upper surface of the intermediate panel;
- The inner surface of the bottom panel being bonded to the lower surface of the intermediate panel (See Figure 3 also).

Regarding claims 39-41, it would have been obvious matter of design choice to modify Klasell by having the panels having the same number of laminate layers, since the applicant has not disclosed that producing the panels with the same number of laminate layers solves any stated problem or produces any unexpected results and it appears that the structure would perform equally well with the panels having different numbers of layers. However, the examiner notes

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that the 3 panels could be made from the same material as the prior art suggests that the panels and the core could be made from fiberboard or other suitable wood composite products (see column 5, lines 26-29 and column 6, lines 1-8). Therefore, if the panels were made of the same material, which could be the case as described above, the number of layers within the panels would be the same.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK R. WENDELL whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/M. R. W./
Examiner, Art Unit 3635
September 16, 2009